

10-01-01

PTO/SB/30 (5/2000)

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RCE #
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REQUEST

FOR

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|---------------------|
| Application Number | 09/905,056 |
| Filing Date | July 12, 2001 |
| First Named Inventor | Ashkenazi, et al. |
| Group Art Unit | 1646 |
| Examiner Name | Kemmerer, Elizabeth |
| Attorney Docket Number | 39780-1618P2C44 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 20000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Declaration(s)—**Sherman Fong, Ph.D. w/Exhibits A-I**
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C44)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) = \$770.00
- ii. ☒ 3-month extension of time fee (37 C.F.R. §§ 1.136 and 1.17) = \$950.00
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------|-----------------------------------|--------------------|
| Name (Print/Type) | DAPHNE REDDY | Registration No. (Attorney/Agent) | 53,507 |
| Signature | Daphne Reddy | Date | September 30, 2004 |

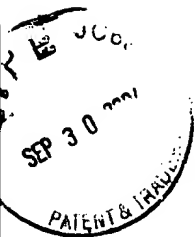
CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: September 30, 2004.

| | | |
|-------------------|-------------------|---------------------------------------|
| Name (Print/Type) | Cheryl Ann Rogers | Date: September 30, 2004 |
| Signature | Cheryl Rogers | Express Mail Label: EL 993 689 704 US |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C44
Serial No.: 09/905,056 Group Art Unit: 1646
Filing Date: July 12, 2001 Examiner: Kemmerer, Elizabeth
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**
Express Mail Label No.: EL 993 689 704 US
Mailing Date: September 30, 2004

PRELIMINARY AMENDMENT

MS: RCE
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination under 37 CFR § 1.114 for the above identified application. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of Time for three months to maintain co-pendency of this application. Also, attached herewith is a Declaration by Sherman Fong, Ph.D with exhibits A-I and a copy of his curriculum vitae. Entry of this declaration and amendments are respectfully requested.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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